

Remarks

The undersigned hereby affirms the election to prosecute the invention of group II detailing a short trouser garment and group B the hand hold with rigid rod member, claims 1-7, 10, 13, 14, 16 (second instance), 17 (second instance) and 18. The following claims have been amended to directly or ultimately depend from new claim 21 in lieu of canceling these claims as non-elect: claims 8, 9, 12, 15, 16 (first instance), 17 (first instance), 19 and 20

The following amendments to the claims are made without prejudice to applicant's right to file a divisional application on the non-elect invention of group I. The subject matter of dependent claim 4 has been placed in independent form as new claim 21 and further carefully redrafted to better distinguish over the cited prior art. However, the Applicant respectfully traverses the rejection based on the combination of the Jennings (US 6,230,329) and the Swantees (US 1,432,804) references. Claims 2, 3, 5 – 9, 12 – 14 and 18 are amended for proper dependency on parent claim 21. Dependent claims 15, 16 (first instance), 17 (first instance), 19 and 20 remain as ultimately dependent on parent claim 21 with interleaving depend claims. Claims 1, 4, 10, 11, 16 (second instance) and 17 (second instance) are cancelled.

Turning now to the merits of new claim 21, it is respectfully pointed out that the Jennings and Swantees references fail to disclose or suggest:

“a right tail portion and a left tail portion forming a garment body interconnection between said front garment portion and said back garment portion passing through the groin area of said patient to anchor said garment body in a direction perpendicular to said waist line area”
emphasis added

In Swantees' reference the "two straps 1 and 2 extend angularly from either side of the lower frontal opening of the garment" (Page 1, lines 38 – 40) there is "an elongated tail flap 21". It is submitted to be hindsight to reconstruction Jennings by providing two straps and furthermore improper to modify Swantees so that the straps would extend between the front and the back portion of the garment which is contrary to the teachings of Swantees' reference. Clearly Swantees' does not face the problem of anchoring the garment in direction perpendicular to the waistline area as cited in applicant's claim 21. For the foregoing reasons it is believed that claim 21 patentably distinguishes from the prior art. The claims remaining in this application, all in dependent form, enlarge upon the construction of the garment of claim 21 and therefore are also believed patentably distinguishable over the prior art.

It is believed the foregoing is now in condition for allowance and such action is earnestly solicited. The Examiner is invited to telephone the undersign at 412-366-6200 to further the prosecution if necessary.

Respectfully submitted,



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CERTIFICATION OF MAILING

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